

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

JEFFREY DEAN McCLAIN,

Plaintiff,

v.

JESSIE CUMMINS,

Defendant.

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No.: 3:15-CV-32-TAV-CCS

MEMORANDUM OPINION

This is a pro se prisoner's complaint for violation of 42 U.S.C. § 1983. On July 27, 2017, the Court entered an order that required Plaintiff to show cause within fifteen days of entry as to why this matter should not be dismissed for failure to comply with the Court's orders and for want of prosecution [Doc. 6]. The mail sent to Plaintiff with that show cause order was returned as undeliverable [Doc. 7] and Plaintiff has not responded to the order or otherwise communicated with the Court. It is therefore clear that Plaintiff has failed to provide the Court with notice of his correct address. Without his correct and current address, the Court cannot communicate with him regarding his case. The Court previously ordered Plaintiff to inform the Court of any address changes immediately and warned Plaintiff that failure to provide a correct address within fourteen days may result in the dismissal of this action [Doc. 5].

Accordingly, this action will be **DISMISSED** for failure to comply with orders of the Court and for want of prosecution. Fed. R. Civ. P. 41(b); *Link v. Wabash R. Co.*, 370 U.S. 626, 630-31 (1962) (recognizing court's authority to dismiss a case *sua sponte* for lack of prosecution); *White v. City of Grand Rapids*, No. 01-229234, 34 F. App'x 210, 211, 2002 WL 926998, at *1 (6th Cir. May 7, 2002) (finding that pro se prisoner's complaint "was subject to dismissal for want of

prosecution because he failed to keep the district court apprised of his current address”); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991).

The Court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Rule 24 of the Federal Rules of Appellate Procedure.

AN APPROPRIATE ORDER WILL ENTER.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE